

LIBRARY
BUTTE COUNTY, CALIF.

NOV 19 1964
APR 19 1965
MAY 19 1966

In the Supreme Court of the United States

OCTOBER TERM, 1947

No. 649

ROBERT M. LITTLEJOHN, AS WAR ASSETS ADMIN-
ISTRATOR AND SURPLUS PROPERTY ADMINISTRA-
TOR, PETITIONER

v.

DOMESTIC AND FOREIGN COMMERCE CORPORATION

**PETITIONER'S MOTION TO STRIKE RESPONDENT'S
BRIEF IN OPPOSITION**

Now comes the Solicitor General on behalf of the petitioner herein, and prays that the respondent's Brief in Opposition to the Petition for a Writ of Certiorari be stricken because it contains scandalous matter. *Green v. Elbert*, 137 U. S. 615, 624; *Royal Arcanum v. Green*, 237 U. S. 531, 546-547. Compare *Cox v. Wood*, 247 U. S. 3, 6-7, where, however, the language seems to have been more restrained.

The principal objectionable passages in respondent's Brief in Opposition in the present case are the following:

Petitioner sought to abuse and insult the intelligence of the Court of Appeals

by this same type of unsupportable claim which he must of necessity know to be completely false. Yet he persists with this same technique of urging unsupportable arguments which he must know to be completely false in this Court again. It is outrageous that an officer of the U. S. under oath to uphold the laws of the United States and supposedly advised of the rudiments of ethical conduct should advance frivolous argument merely for the purpose of delay and should dare to use so contemptible and obviously dilatory a device which outrages common decency. (p. 13.)

* * * * *

Petitioner then assaults (at p. 20, brief for petitioner) the importance of title, a fundamental legal conception having vital necessity and meaning to all free peoples, and countless consequences in the law of sales. He forgets that *United States v. Lee* turned specifically on what he casually terms "technical doctrines of passage of title." He asks this Court to brush aside ownership of property as merely "technical." Many of his predecessors in this immoral doctrine, who have regarded the ownership of another as "technical" are filling our jails. (p. 18.)

* * * * *

Toward the bottom of page 16, petitioner goes on in an attempt to place himself above the law by insinuating that he has some celestial status that removes

him personally from the reach of the law to which "a recalcitrant private vendor" would be subjected. This is indicative of petitioner's concept of all law—namely, that he is above it, that he is the law himself, and that he is immune from the enforcement of the law upon him by this or any other Court.

* * * * *
 * * * * * When the day comes that anyone in respondent's position cannot resort to the Courts for protection of his property under law merely because some bureaucrat seeks to hide his incompetence and injustice behind a protecting shield of sovereign immunity, both liberty and reason shall have perished from the land. (p. 15.)

* * * * *
 The depths of petitioner's wilful ignorance of these boundaries of sovereign immunity under a free constitution like ours is revealed by his misuse of *Goldberg v. Daniels*, 231 U. S. 218. (p. 16.)

Respectfully submitted.

PHILIP B. PERLMAN,
Solicitor General.

APRIL 1948.